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Letter dated 8 October 2003 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you the Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi, signed on 8 October 2003 between the Transitional Government and Pierre Nkurunziza's Conseil national pour la défense de la démocratie-Front de défense de la démocratie (see annex).

This important stage in the Burundi peace process should be welcomed and supported by the international community, in particular the United Nations Security Council.

I should like this letter and its annex to be circulated to all members as a Security Council document.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

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Annex to the letter dated 8 October 2003 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

[Original: English and French]

THE PRETORIA PROTOCOL ON POLITICAL, DEFENCE AND SECURITY POWER SHARING IN BURUNDI

PREAMBLE

The Transitional Government of Burundi (hereafter referred to as "TGoB") and the National Council for the Defence of Democracy — Forces for Defence of Democracy (hereafter referred to as "CNDD-FDD") both hereafter referred to as "the Parties",

Taking note of the commitments of the TGoB and the CNDD-FDD to reach an all embracing agreement for the achievement of lasting peace, security and stability in Burundi,

Acknowledging the principles and objectives of the Arusha Peace and Reconciliation Agreement for Burundi and the Transitional Constitution of the Republic of Burundi,

Reaffirming their commitment to the Ceasefire Agreement between the Parties signed in Arusha on 2 December 2002 as well as the Joint Declaration of Agreement addressing the practical implementation of the December 2002 Ceasefire Agreement, signed in Pretoria on 27 January 2003,

Acknowledging further the Dar es Salaam Communiqué of the Regional Summit of 20 July 2003 re-committing the parties to a negotiated framework to resolve all outstanding issues related to Political Power Sharing and Technical Forces Agreement,

Recognizing that the conflict in Burundi requires an inclusive dialogue and participation of all political groups and movements,

Conscious of the need to give impetus to the implementation of the content and spirit of the various agreements reached on the Burundi Peace Process,

Hereby agree to engage in the following process in order to effect the power sharing agreement in terms of paragraphs 1.1.12[1] and 1.1.15[2] of the December 2002 Ceasefire Agreement between the CNDD-FDD and the Transitional Government of Burundi.

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[1] The CNDD-FDD will take part in the powersharing arrangements with the Transitional Government of Burundi. The details will be negotiated amongst the parties concerned.

[2] The integration exercise will affect the Burundi Armed Forces, the Police and Intelligence Services as provided for in the Arusha Agreement.

POLITICAL POWER ISSUES

EXECUTIVE

The CNDD-FDD will have four ministries including a Minister of State. The Presidency will consult the Minister of State on all key matters.

THE LEGISLATURE

National Assembly

1. CNDD-FDD will participate in the Bureau as follows:

- Second-Vice President.
- Deputy Secretary-General.

The Bureau will be increased to six.

Two advisors will be appointed in the Staff of the National Assembly.

2. CNDD-FDD will also have 15 members of the Assembly.

3. Measures will be taken to respect the balance among the political families as reflected in the Arusha Agreement.

Senate

The question of the participation of the CNDD-FDD will be discussed at the next meeting, prior to the Regional Summit. (See Article VII below)

GOVERNORS OF PROVINCES

CNDD-FDD will have:

- Three Governors.
- Five Advisors.

DIPLOMATIC CORPS

CNDD-FDD will have:

- Two ambassadors.
- Six secretaries and/or advisors.

LOCAL GOVERNMENT

CNDD-FDD will have 30 Administrators.

PUBLIC ENTERPRIZES

CNDD-FDD will lead 20% of these. The exact distribution will be negotiated later.

DEFENCE AND SECURITY ISSUES:

The power sharing process in terms of defence and security issues shall consist of the following phases;

I. THE BURUNDI NATIONAL DEFENCE FORCE

1.1 Cantonment

The combatants of the CNDD-FDD will move to areas designated by the Joint Ceasefire Commission (JCC) under the supervision of the African Mission. The Burundi Armed Forces (FAB) will be confined to areas agreed upon under supervision of the African Mission, with certain elements being exempted in accordance with par 1.1.7[3] of the December 2002 Ceasefire Agreement.

1.2 Verification

1.2.1 Once members have been cantoned and confined, a verification exercise will be undertaken to determine the size of the respective forces by the Joint Ceasefire Commission. The suitability of personnel submitted by both parties will be determined on the basis of the Forces Technical Agreement (FTA), to be finalized, under the guidance/leadership of the JCC.

1.2.2 Those determined to be suitable will form the new Defence and Security Forces of Burundi.

1.3 Formation of the Burundi National Defence Force (BNDF)

1.3.1 The integrated General Staff and the Officer Corps shall be composed of 60% officers selected from the governmental army and 40% officers from the CNDD-FDD.

1.3.2 The composition of the non commissioned officers and the rank and file shall be determined by the integrated General Staff according to the size of each party and of the agreed balance.

1.3.3 On proposal of the integrated General Staff, the government shall determine;

- The structure of the Burundi National Defence Force
- The size of the army and
- Composition of the officer corps.

1.3.4 The allocation of command posts shall be on the basis of ethnic balance (50-50) as stipulated in the Arusha Peace and Reconciliation Agreement.

1.3.5 The President of the Republic of Burundi undertakes to give expression to this arrangement through a Presidential decree.

[3] For purposes of addressing the current security situation in Burundi, certain elements of the Burundian armed forces will be exempted from the application of 1.1.7 in order to perform necessary security tasks.

1.4 Demobilisation

1.4.1 Combatants of the CNDD-FDD or FAB who have been found not to be eligible to join the Burundi National Defence Force in terms of the Forces Technical Agreement, will be demobilized, taking into consideration paragraph 1.1.14[4] of the December 2002 Ceasefire Agreement.

1.4.2 The demobilization and integration of these combatants will be progressive, bearing in mind social stability and affordability. The Government shall oversee this process through the Minister of State and the Minister of Defence.

1.4.3 The final phase of demobilization will take place once the elected government is in place, guided by the required size of the Burundi National Defence Force and taking into consideration the work undertaken by the Transitional Government of Burundi. The Government of Burundi shall oversee this process.

II. BURUNDI POLICE FORCE

2.1 The parties agreed on the establishment of a new police force in Burundi.

2.2 The structure of the new Police Force will be guided by the following principles:

- Inclusivity and integration.
- General Staff structure based on the principle of 65% TGoB and 35% – CNDD-FDD.
- The principle of 50-50 ethnic balance.

2.3 Composition of junior structures of the Police Force shall also be guided by the principles of inclusivity.

2.4 The decisions will be taken on the basis of consensus.

III. GENDARMERIE

3.1 The Gendarmerie will be treated as part of the FAB.

3.2 Elements of the Gendarmerie may be deployed to both the new Defence and Police Forces.

3.3 Equally, elements of the CNDD-FDD will also be deployed into the Burundi Police Force.

[4] The Transitional Government of Burundi and the African Mission will address the welfare of the assembled combatants and all those participating in the integration process and work out packages for those that will not be absorbed in the integration exercise of the New Burundi Army. Particular attention to be paid to the combatants and civilians who were crippled and maimed by the war.

IV. MILITIA

Militia will be disarmed according to the December 2002 Ceasefire Agreement under the supervision of the African Mission, at the beginning of cantonment and barracking exercises.

V. INTELLIGENCE

5.1 The parties agreed on the establishment of a ministry of intelligence under the President.

5.2 Parties will submit names for the General Staff of Intelligence to the President.

The agreed criteria for the composition will be as follows;

- 65% – TGoB
- 35% – CNDD-FDD
- The principle of 50-50 ethnic balance.

5.3 The President, informed by the capacity/suitability of persons proposed and guided by the principles of integration and inclusivity, shall retain the discretion to determine the final composition of his General Staff of Intelligence.

VI. PALIPEHUTU/FNL

6.1 To address the current security situation in Burundi certain elements of the FAB will be exempted from confinement, as per the provisions of the December 2002 Ceasefire Agreement.

6.2 Prior to the establishment of a National Defence Force and in terms of the December 2002 Ceasefire Agreement, joint military units will be constituted to perform certain tasks.

VII. OUTSTANDING MATTERS:

- Temporary Immunity.
- CNDD-FDD as a political party.
- Forces Technical Agreement.
- The question of the participation of CNDD-FDD in the Senate.

These matters will be finalized at the next meeting that will be convened as a matter of urgency.

Done in Pretoria, South Africa, on 8 October 2003.

For the Transitional Government of Burundi:
(*Signed*) His Excellency Domitien **Ndayizeye**
President of the Republic of Burundi

For the CNDD-FDD Movement:
(*Signed*) Mr. Pierre **Nkurunziza**
Legal Representative of the CNDD-FDD Movement

In the presence of:
(*Signed*) His Excellency Jacob **Zuma**
Deputy President of the Republic of South Africa
Facilitator of the Burundi Peace Process